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September 19, 2018

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NASSAU COUNTY OFFICE

Honorable Joanna Seybert
United States District
Eastern District Of New York
Alfonse M. D'Amato Federal Building
United States District Court
100 Federal Plaza
Central Islip, NY 11722

Re: Gerard Kelly v Incorporated Village of Garden City
18-cv-4334(JS)(ARL)
Our File No. 6821-1818

Dear Judge Seybert,

This office represents the Defendant Village of Garden City in the above-referenced matter. First, we write with the consent of Plaintiff's counsel pursuant to Fed R. Civ. P 60(b)(1) to request vacatur of the Clerk's entry of default (DE:7), which was entered on September 7, 2018 as well as a thirty day extension of time to respond to the Complaint (DE:1).

The delay was, in part, due to confusion as to whether the defense of this action had been assigned to this firm. When the matter arrived on my desk on September 18, 2018, I immediately conferred with Plaintiff's counsel, who has graciously consented to our request for vacatur of the entry of default, as well as our request to extend the Defendant's deadline to respond to the complaint to Friday, October 19, 2018.

Accordingly, we respectfully request the Clerk's entry of default (DE:7) be vacated, and the Defendant's time to respond to the Complaint(DE:1) be extended to Friday, October 19, 2018.

We thank the court in advance for consideration of this request.

Respectfully submitted,

/s/

Andrew K. Preston

AKP